

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KELPHALA SESSAY

Plaintiff,

vs.

PEOPLES COMMERCE, INC.

and

ADMIRAL RECOVERY SYSTEM, LLC
Defendants

CIVIL ACTION

NO. 17-cv-03219(MSG)

DISCOVERY AND AMENDED SCHEDULING ORDER

AND NOW, this _____ day of _____, 2017, upon consideration of the Motion of Plaintiff Kelphala Sessay to Compel Discovery Responses and Extend Discovery Deadlines, and any response thereto, and for good cause shown, it is ORDERED that the motion is GRANTED.

Defendant Peoples Commerce, Inc. is ORDERED to, within seven (7) days of this Order, produce responses to Plaintiff's Interrogatories and Document Requests.

It is further ORDERED that all dates in this Court's October 27, 2017 Scheduling Order (ECF 14), as amended by the November 9, 2017 Amended Scheduling Order (ECF 18), are hereby extended by sixty (60) days as follows:

1. All fact discovery shall be completed by **April 17, 2018**.
2. Plaintiff shall produce his expert report(s) by **May 15, 2018**.
3. Defendants shall produce their expert report(s) by **June 5, 2018**.
4. All expert discovery, including depositions of expert witnesses, shall be completed by **July 24, 2018**.

5. All motions for summary judgment and *Daubert* motions shall be filed no later than **August 7, 2018**.
6. Responses to motions for summary judgment and *Daubert* motions, if any, shall be filed no later than **August 28, 2018**.
7. All motions to amend the complaint and to join or add additional parties shall be filed by **February 13, 2018**.

Failure of Defendant to comply with this Order may result in sanctions pursuant to Fed. R. Civ. P. 37.

BY THE COURT:

HONORABLE MITCHELL S. GOLDBERG

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**PLAINTIFF’S MOTION TO COMPEL DISCOVERY RESPONSES
AND EXTEND DISCOVERY DEADLINES**

Plaintiff Kelphala Sessay files this discovery motion to compel responses to discovery and extend discovery deadlines and states as follows:

1. On July 19, 2017, Plaintiff filed a Complaint against Peoples Commerce, Inc. (“PCI”) and Admiral Recovery System, LLC, alleging violations of the Fair Debt Collection Practices Act, the Fair Credit Extension Uniformity Act, and the Uniform Commercial Code. (ECF 1).
2. Admiral is in default because it chose not to answer despite being properly served (ECF 4).
3. PCI filed its Answer and Counterclaim on August 28, 2017. (ECF 6).
4. Under this Court’s October 27, 2017 Scheduling Order (ECF 14), the fact discovery deadline is February 16, 2018. On November 9, 2017, the Court issued an Amended Scheduling Order, which altered the deadline for amending the complaint and joining parties, but did not alter the fact discovery deadline. (ECF 18).
5. On October 16, 2017, Plaintiff served discovery requests to PCI along with his Rule 26(a)(1) disclosures.

6. To date, no discovery responses have been received.

7. Plaintiff has attempted in good faith to resolve this discovery dispute, as set forth in the attached Certification.

8. This Motion is necessary because of PCI's refusal to comply with this Court's scheduling order and Local Rules.

9. Under Local Rule 26.1(g), a discovery motion such as this one (for complete failure to respond) does not require a brief or attachments, and this Court's policies prohibit exhibits or memoranda. In addition, Local Rule 26.1(g) provides that "[t]he Court may summarily grant or deny such motion without waiting for a response" from the non-moving party. In light of the clear violations of the Rules, the Court should summarily grant relief here.

10. Nearly one month has elapsed since PCI's deadline to respond to these discovery requests, which were due on or around November 16, 2017.

11. Because of PCI's refusal to timely respond to discovery requests, Plaintiff foresees the need for additional time to complete discovery and resolve future discovery disputes.

12. Plaintiff accordingly requests this Court extend all deadlines in the October 27, 2017 Scheduling Order (ECF 14), as amended by the November 9, 2017 Amended Scheduling Order (ECF 18), by 60 days.

WHEREFORE, for the reasons set forth herein and in the attached Certification, this Motion should be summarily granted, Defendant should be compelled to produce responses to discovery requests under Fed.R.Civ.P. 37(a) and Local Rule 26.1(g), and all deadlines in the Court's scheduling orders should be extended by 60 days.

Date: 12/15/2017

s/Jody Thomas López-Jacobs
CARY L. FLITTER
ANDREW M. MILZ
JODY THOMAS LÓPEZ-JACOBS

Attorneys for Plaintiff
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**CERTIFICATE OF EFFORT TO RESOLVE DISCOVERY DISPUTE AND IN
SUPPORT OF PLAINTIFF'S DISCOVERY MOTION**

In accordance with Local Rule 26.1(f), I, Andrew M. Milz, attorney for Plaintiff, certify that reasonable efforts have been made to obtain discovery responses and the requested deposition.

On October 16, 2017, Plaintiff served discovery requests to PCI along with his Rule 26(a)(1) disclosures. Responses were due on or around November 16, 2017. I had a telephone conversation with Stephanie Pompey, in-house counsel for PCI, on December 6, 2017. During that call, Ms. Pompey advised that PCI was getting new counsel, and discovery responses from Defendant PCI must wait until after new counsel's appearance. I stated I could agree to an extension for PCI to provide written responses to our Interrogatories and Document Requests only, assuming new counsel enters an appearance soon, and PCI immediately turns over relevant documents responsive to our requests. To date, neither has happened. I emailed Ms. Pompey on December 12, 2017, asking for documents again. On December 13, 2017, Ms. Pompey responded, stating again that new counsel will be appearing. As the time in the scheduling order is running short, Plaintiff is prejudiced by PCI's foot dragging, and must preserve his interests by filing this motion. Plaintiff has attempted in good faith to resolve this discovery dispute.

I certify that the foregoing is true and correct under penalty of perjury.

Date: December 15, 2017

/s/ Andrew M. Milz
ANDREW M. MILZ

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CERTIFICATE OF SERVICE

I certify that on December 15, 2017, I have electronically filed the foregoing with the Clerk of Court using the CM/ECF system which sent notification of such filing to:

Stephanie M. Pompey
Attorney for Defendant
Peoples Commerce, Inc.
Drivehere.com
1001 W. Ridge Pike
Conshohocken PA 19428

This filing is available for viewing and downloading from the ECF system.

s/Jody Thomas López-Jacobs
JODY THOMAS LÓPEZ-JACOBS